

REMARKS/ARGUMENTS

Claims 1-40 are currently pending in the application. No claims have been cancelled or withdrawn. This amendment is being filed with a request for a two month extension to extend the due date from December 26, 2006 to February 26, 2007. A credit card authorization is being submitted with this response to pay for the fees. The examiner rejected claims 1-40 in the Office Action mailed September 22, 2006 (hereinafter referred to as "Office Action"). In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 102

The examiner rejected claims 1-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,772,146 to Khemlani et al. (hereinafter referred to as "Khemlani"). For anticipation, a single reference ***must identically disclose every element of the claimed invention.*** *Corning Glass Works v. Sumitomo Electric*, 9 USPQ 2d 1962, 1965 (Fed. Cir. 1989). A reference that excludes a claimed element, no matter how insubstantial or obvious, is enough to negate anticipation. *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983). Applicant respectfully submits that claims 1-40 are not anticipated by Khemlani and are, therefore, allowable under 35 U.S.C. § 102(e) for the reasons stated below.

Claims 1, 26 and 40

Applicant respectfully submits that Khemlani does not identically disclose "displaying a visual favorable/unfavorable trade indicator based on a comparison of the opening value trend to the closing value trend for the investment" as recited in claims 1, 26 and 40. Khemlani merely discloses "an information service for providing financial information to issuers" (col. 1, lines 16-19) that aggregates financial information from multiple sources (col. 1, lines 36-52). Despite the same lengthy portions of Khemlani cited repeatedly by the examiner (col. 1, line 55-col. 2, line 21; col. 4, line 12-col. 10, line 67; col. 20, lines 1-65), Khemlani does not identically disclose the use of a "visual favorable/unfavorable trade indicator" or an "opening value trend" or a "closing value trend" or a comparison of those trends.

In fact, the term "trend" is only used three times in Khemlani: (1) "This makes monitoring of, for example, trends in stock prices for one or a group of stocks a time consuming task" (col. 1, lines 29-31); (2) "FIG. 2i shows Intraday Prices module 226 which displays the industry trends and the volume of trades of the external user's company's stock in a graphical format" (col. 10, lines 46-48); and (3) "T_end" (Figure 2aaa (no detailed description)). Applicant respectfully submits that these uses of the word "trend" in Khemlani ***do not identically disclose*** "displaying a visual

favorable/unfavorable trade indicator based on a comparison of the opening value trend to the closing value trend for the investment.”

The first instance is in the background and merely states an example of a problem – monitoring trends in stock prices. There is no indication of what type of stock price trends are to be monitored or that Khemlani monitors stock price trends or compares stock price trends. The second instance merely refers to a graph displaying intraday stock prices, which cannot be characterized as a visual favorable/unfavorable trade indicator ***based on a comparison of the opening value trend to the closing value trend*** for the investment. The third instance is not described in the written description, but Figure 2aaa shows a series of white oriented triangles within black circles. There is no identification of the type of trend being shown. It would appear that the trend shown in Figure 2aaa relates to the asking price based on the blocking and arrangement of the information in the Figure. An asking price trend cannot be characterized as ***a comparison of the opening value trend to the closing value trend***. Moreover, there is no indication of which triangle or favorable or unfavorable. None of these instances discloses a visual favorable/unfavorable trade indicator based on a comparison of two trends. As a result, applicant respectfully submits that Khemlani ***does not identically disclose*** “displaying a visual favorable/unfavorable trade indicator based on a comparison of the opening value trend to the closing value trend for the investment” as recited in claims 1, 26 and 40. Accordingly, applicant respectfully submits that claims 1, 26 and 40 are not anticipated by Khemlani and are, therefore, allowable under 35 U.S.C. § 102(e). Applicant respectfully requests that the rejection of claims 1, 26 and 40 be withdrawn.

Claims 2-25 and 27-39

Applicant respectfully submits that claims 2-25 and 27-39 depend from claims 1 and 26 which are allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 102(e). Accordingly, applicant respectfully requests that any rejection of claims 2-25 and 27-39 be withdrawn.

In addition, Applicant respectfully submits that Khemlani does not identically disclose many of the elements recited in claims 2-25 and 27-39. For example, Khemlani ***does not identically disclose***: the visual favorable/unfavorable trade indicator is a first or second color based on the comparison (claims 4 and 6); the first color is green (claim 5); the second color is red (claim 7); executing a trade involving the investment (claims 14 and 31); simulating a trade involving the investment (claims 15 and 32); or calculating a potential tax liability for an execution of a trade involving the investment (claims 16 and 33). In fact, the terms “color”, “green” and “red” are never used in Khemlani. Claims 2-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 102(e). Accordingly, applicant respectfully requests that any rejection of claims 2-25 and 27-39 be withdrawn.

35 U.S.C. § 103

Applicant respectfully submits that the cited references do not disclose, teach or suggest all the claim elements of claims 1-40, as amended. Accordingly, claims 1-40 are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103.

Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-40 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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